

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RONARD LORA and HUGO RIVERA, Individually
and on behalf of all others similarly situated,

Plaintiffs,

**ANSWER AND AFFIRMATIVE
DEFENSES**

Civil Action No.: 11 Civ. 9010

-v-

J.V. CAR WASH, LTD., BROADWAY HAND CARWASH,
CORP. WEBSTER HAND CARWASH CORP., HARLEM
HAND CAR WASH INC., BAYWAY HAND CAR WASH
CORP., JOSE VASQUEZ, SATURNINO VARGAS, JOSE
JIMENEZ, RAMON PEREZ, DOMINGO "DOE", ADOLFO
"DOE" AND JOHN DOES 1-10,

Defendants.

x-----x

Defendants, by their attorney, Paul E. Kerson, Esq. of the Law Offices of Leavitt, Kerson & Duane, Esqs., as and for their Answer and Affirmative Defenses state as follows:

ANSWER

1. Defendants deny paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 111, 112, 115, 118, 120, 121, 123, 124, 125, 126, 127, 129, 130, 136, 137, 138, 139, 140, 141, 142, 151, 152, 153, 154, 155, 159, 160, 161, 162, 163, 164, 165, 166, 169, 170, 171, 172, 173, 176, 177, 178, 179, 180, 190, 192, 193, 194, 197, 198, 199, 200 and 201 of the complaint.
2. Defendants admit paragraphs 13, 14, 16, 17, 18, 19 and 21 of the complaint.

3. Defendants deny information sufficient to form a belief as to the truth of paragraphs 113, 114, 116, 117, 119, 122, 131, 132, 133, 134, 135, 144, 145, 146, 147, 148, 149, 150, 157, 158, 168, 175, 182, 183, 184, 185, 186, 187, 188, 189, 191 and 196 of the complaint.

4. In paragraphs 110, 128, 143, 156, 167, 174, 181 and 195, plaintiffs repeat and reallege certain allegations. For their Answers to these allegations, defendants respectfully refer the Court to their Answers above.

AFFIRMATIVE DEFENSES

5. The Fair Labor Standards Act (FLSA) 29 U.S.C. Section 216 (b) provides that “ No employee shall be a party plaintiff to any such action unless he gives his consent in writing to become such a party and such consent is filed in the court in which such action is brought”. Plaintiffs herein have filed some of said consents pursuant to 29 U.S.C. Section 216 (b), but have not filed all of said consents.

6. Defendants have made every effort to comply with the FLSA, the New York State Labor Law and the New Jersey State Labor Law. Defendants are enterprising individuals and corporations who have labored diligently to provide well-paying jobs in the New York- New Jersey Metropolitan Community.

7. Defendants have made great efforts to build their businesses from scratch, and have added numerous jobs to the local economy.

JURY DEMAND

8. Defendants demand a jury trial pursuant to the Federal Rules of Civil Procedure, Rule 38.

WHEREFORE, defendants demand judgment dismissing the Complaint in its entirety, together with the costs, disbursements, and attorneys' fees in this action.

Paul E. Kerson
PAUL E. KERSON, ESQ. (PEK-8789)
Leavitt, Kerson & Duane
Attorney for Defendants
228 E. 45th Street, 17th floor
New York, NY 10017
(212) 973-9339

Dated: February 24, 2012
New York, NY

Civil Action No.: 11 Civ. 9010
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
RONARD LORA and HUGO RIVERA, Individually
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Plaintiffs,

-against-

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Defendants

ANSWER AND AFFIRMATIVE DEFENSES

LEAVITT, KERSON & DUANE

Attorneys for Defendants
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Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certified that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: _____ Signature: _____

Print Signer's Name

Service of a copy of the within _____ *is hereby admitted.*

Dated: _____
Attorney(s) for _____

PLEASE TAKE NOTICE

Notice of Entry that the within is a (certified) true copy of a
entered in the office of the clerk of the within Court on

Notice of Settlement that an _____ of which the within is a true copy will be
presented for settlement to the Hon. _____ one of the Judges _____
within named Court, at _____ on _____, 20____ at 9:30 _____
of the _____ a.m.

LEAVITT, KERSON & DUANE
Attorneys for Defendants
228 E. 45th St., 17th Floor
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To: